



Tom Krueger

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To: jstrubbe, Thomas Krueger
Subject: Re: Ellsworth/Bison Gear

01/14/03 01:10 PM

Joe,

EPA included Bison Gear in the general and special notice letter based on the company's operations at 2615 Curtiss. EPA may also determine that the property at 2424 Wisconsin requires investigation and operations at that property may provide a further basis for potential liability. I agree with you that if we pursue further investigation of the property at 2424 Wisconsin, EPA may need to take actions to help assure access.

Tom Krueger

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>As you know, Bison is neither a current owner or operator of any
>property within Ellsworth Industrial Park. Bison did operate as a
>lessee at 2615 Curtiss, the property now occupied by Fusibond, from
>approximately 1960 to 1976. From approximately 1976 through 1997, Bison
>operated as a lessee at 2424 Wisconsin Avenue in Ellsworth.

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>As far as I can tell, Bison is the only Special Notice Letter recipient
>that is not a current owner or operator of property within Ellsworth.
>This fact makes any potential commitment by Bison to investigate and/or
>remediate its former parcels particularly problematic. In addition,
>obviously, this fact raises significant questions as to establishment of
>any liability on the part of Bison, even assuming contamination on one
>of its former parcels, given the fact of other operators on those
>parcels.

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>It is also not clear to us whether Bison has been identified as a
>Special Notice Letter recipient due to its former tenure as lessee at
>2615 Curtiss, 2424 Wisconsin, or both. The Special Notice Letter is
>silent as to the grounds for naming Bison. The Phase II report done by
>Weston makes no mention of Bison or 2424 Wisconsin, but does refer to
>Fusibond (2615 Curtiss) as a property recommended for further
>investigation. Our response to the USEPA 104(e) Request For Information
>provided information and documentation related to 2424 Wisconsin, as we
>have been unable to find any documentation relating to 2615 Curtiss.

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>The grounds for identifying Bison as a PRP are particularly important
>in evaluating participation in a good faith offer, proper allocation, or
>commitment to investigate and remediate former parcels. It would be
>most helpful to learn whether the USEPA believes Bison is somehow liable
>for its former leasehold interest at 2424 Wisconsin Avenue, despite the
>fact that the property is not identified or mentioned in the Phase II
>Report. If the USEPA does believe that 2424 Wisconsin is a parcel
>giving rise to potential liability at Ellsworth, it makes no sense to
>Bison that the current owner of that property has not been identified as
>a PRP. Further, as noted, that fact makes it virtually impossible for
>Bison to make any commitment to investigate or remediate that property,
>over which it has no control, and also may make participation by Bison
>in any settlement impossible, for the additional reason that claims
>could be asserted against Bison in the future by the current owner of
>that property.

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EPA Region 5 Records Ctr.



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>Given these facts - and if the USEPA believes that liability attaches
>for Bison's tenure at 2424 Wisconsin - we ask that the USEPA include the
>current owner and operator of that property as Special Notice Letter
>recipients. We have performed tract searches and have identified the
>current owner of that property as Wisconsin Avenue Property, LLC. The
>address for Wisconsin Avenue Property, LLC is listed as 2424 Wisconsin
>Avenue. The May 30, 1997 deed by which the property was obtained by
>Wisconsin Avenue Property, LLC identifies Barry P. Siegal, Esq. as
>counsel. Sullivan's gives Siegal's current information as follows:
>Tishler & Wald, Ltd., 200 South Wacker Drive, Suite 2600, Chicago, IL
>60601, (312)876-3800. In addition, we believe that the current
>lessee/operator of that property is Illinois Pipe & Supply Co.
>("IPSCO"). Again, IPSCO's address is listed at 2424 Wisconsin Avenue.

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>Please contact me at your earliest convenience to discuss these
>matters. Thank you for your consideration.

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